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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/068,995	02/06/2002	James S. Voss	10011558 -1	4630

22879 7590 05/18/2005

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EXAMINER

MISLEH, JUSTIN P

ART UNIT	PAPER NUMBER
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2612

DATE MAILED: 05/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/068,995

**Applicant(s)**

VOSS ET AL.

**Examiner**

Justin P. Misleh

**Art Unit**

2612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1 - 32 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 - 32 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 February 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |  |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____  |

## DETAILED ACTION

### *Specification*

1. The disclosure is objected to because of the following informalities: minor typographical errors.

On page 8 (line 21), the ADIC 102 to light drive element 142 connection is described as connection 143; however, figure 1 shows that the connection is 243.

On page 13 (line 23), reference numeral 318 is described in reference to figure 3A, but is not shown in the figure. However, reference numeral 316 is shown in the figure, but is not described in the specification. Reference numeral 318 should be changed to 316.

On page 14 (line 18), reference numeral 368 is described in reference to figure 3B, but is not shown in the figure. However, reference numeral 366 is shown in the figure, but is not described in the specification. Reference numeral 368 should be changed to 366.

Appropriate correction is required.

2. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. **The form and legal phraseology often used in patent claims, such as “means”, “comprises”, and “said,” should be avoided.** The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. **It should avoid using phrases which can be implied, such as, “The disclosure concerns,” “The disclosure defined by this invention,” “The disclosure describes,” etc.**

### ***Drawings***

3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: 176 (figure 1), 416 (figure 4).

Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the Examiner does not accept the changes, Applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. **Claims 9 – 13, 15, 16, 24 – 28, 30, and 31** are rejected under 35 U.S.C. 102(e) as being anticipated by Monti.

For the following rejections, please refer in Monti to figures 2A, 2B, 2C, and 2D and as stated in columns 3 (lines 43 – 50 and 62 – 67), 4 (lines 1 – 11 and 37 – 52), 5 (lines 12 – 15, 35 – 41, and 50 – 67), 6 (lines 1 – 11, 42 – 50, and 65 – 67), and 7 (lines 1 – 15 and 26 – 39).

6. For **Claim 9**, Monti discloses a method for capturing and embedding high-resolution still image data in a sequence of video data, comprising:

capturing a sequence of video data (204; see figure 2A) during a first mode of operation (“video mode”), the sequence of video data captured at a first resolution (“broadcast resolution of about 720x480 pixels”);

entering into a second mode of operation (“still mode”), the second mode of operation being at a second resolution (“the video ... correspond to a low quality video broadcast standard ... the still image are typically high resolution and quality”), the second resolution being greater than the first resolution (see column 7, lines 9 – 15);

capturing data at the second resolution (210; see figure 2A); and

storing the data captured at the second resolution (212; see figure 2A).

7. For **Claim 24**, Monti discloses a computer readable media having a program for capturing and embedding high-resolution still image data in a sequence of video data (Monti specifically states, in column 4 – lines 1 – 11, “system-on-chip integration with image processing hardware, such as a RISC ... or DSP, and memory ... allowing generation of both high quality

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still images in addition to broadcast quality video data in real-time.”), the program comprising logic for:

capturing a sequence of video data (204; see figure 2A) during a first mode of operation (“video mode”), the sequence of video data captured at a first resolution (“broadcast resolution of about 720x480 pixels”);

entering into a second mode of operation (“still mode”), the second mode of operation being at a second resolution (“the video ... correspond to a low quality video broadcast standard ... the still image are typically high resolution and quality”), the second resolution being greater than the first resolution (see column 7, lines 9 – 15);

capturing data at the second resolution (210; see figure 2A); and

storing the data captured at the second resolution (212; see figure 2A).

8. As for **Claims 10 and 25**, Monti discloses, as stated in column 4 (lines 37 – 52), wherein the second mode of operation (“still mode”) captures data corresponding to still image data.

9. As for **Claims 11 and 26**, Monti discloses, as shown in figure 2C and as stated in column 6 (line 65) – column 7 (line 8), logic for embedding the still image data (234) between frames of video data (232).

10. As for **Claims 12 and 27**, Monti discloses, as stated in columns 5 (lines 12 – 15) and 7 (lines 9 – 15), wherein the video data has a resolution of at least 720 pixels by 480 pixels and also discloses that the still image data is over higher resolution and higher quality than the video data; hence, the still image data has a resolution of at least 640 pixels by 480 pixels.

11. As for **Claims 13 and 28**, Monti discloses, as stated in column 5 (lines 35 – 41) further comprising logic for toggling (“the mode of the camera can be automatically switched between

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the video mode and still mode”) between the first resolution (“video mode”) and the second resolution (“still mode”).

12. As for **Claims 15 and 30**, Monti discloses, as shown in figure 2B and as stated in column 5 (line 66) – column 6 (line 1 – 11), logic for dividing the sequence of video data captured during the first mode of operation into video frames (220); logic for dividing the data generated at the second resolution into still frames (224); and logic for sequentially alternating the video frames and the still frames (see figures 2B and 2C).

13. As for **Claims 16 and 31**, Monti discloses, as shown in figure 2D and as stated in column 7 (lines 25 – 39), wherein the video frames and the still frames alternate non-sequentially (“two successive still images are acquired”).

### *Claim Rejections - 35 USC § 103*

14. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

15. **Claims 1 – 8, 14, 18 – 23, and 29** are rejected under 35 U.S.C. 103(a) as being unpatentable over Monti in view of Hori.

16. For **Claim 1**, Monti discloses, as shown in figures 2A, 2B, 2C, and 2D and as stated in columns 3 (lines 43 – 50 and 62 – 67), 4 (lines 1 – 11 and 37 – 52), 5 (lines 12 – 15, 35 – 41, and 50 – 67), 6 (lines 1 – 11, 42 – 50, and 65 – 67), and 7 (lines 1 – 15 and 26 – 39), a system for capturing and embedding high-resolution still images in a sequence of video data, comprising:

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an image capture element (108; see figure 1) for capturing a sequence of video data (204; see figure 2A) during a first mode of operation (“video mode”), the sequence of video data captured at a first resolution (“broadcast resolution of about 720x480 pixels”);

entering into a second mode of operation (“still mode”), the second mode of operation being at a second resolution (“the video ... correspond to a low quality video broadcast standard ... the still image are typically high resolution and quality”), the second resolution being greater than the first resolution (see column 7, lines 9 – 15);

a memory (114; see figure 1) for storing data captured at the second resolution (210 and 212; see figure 2A and column 4, lines 54 – 67).

While Monti discloses, as stated in column 5 (lines 35 – 41), that the system automatically switches between the first video data capture mode and the second still image data capture mode, Monti does not disclose a user interface for entering in the second mode of operation.

On the other hand, Hori also discloses a system for capturing and embedding high-resolution still images in a sequence of video data. More specifically, Hori teaches, as shown in figure 1 and as stated in column 4 (line 44) – column 5 (line 1 – 9), that while a moving image is being record in the moving image mode if an instruction is received from the still image recording switch 10, still image data is recorded wherein after the still image data is recorded the moving image mode continues to record moving images again. In other words, a user of the system (“digital VTR”) is provided with a switch (10) for toggling between capturing video frames (“moving image”) and capturing a still image while in the digital VTR is in video mode (moving image mode”).



As stated in column 6 (lines 30 – 59) of Hori, at the time the invention was made, it would have been obvious to one with ordinary skill in the art to have included a user interface a user interface for entering in the second mode of operation, as taught by Hori, in the system for capturing and embedding high-resolution still images in a sequence of video data, disclosed, by Monti, for the advantage providing a high quality still image data that can be used in printing while reducing the amount of wasted storage space in a recording medium.

17. For **Claim 18**, Monti discloses, as shown in figures 2A, 2B, 2C, and 2D and as stated in columns 3 (lines 43 – 50 and 62 – 67), 4 (lines 1 – 11 and 37 – 52), 5 (lines 12 – 15, 35 – 41, and 50 – 67), 6 (lines 1 – 11, 42 – 50, and 65 – 67), and 7 (lines 1 – 15 and 26 – 39), a digital video camera (see figure 1) having a system for capturing and embedding high-resolution still images in a sequence of video data, comprising:

- an image capture element (108; see figure 1) for capturing a sequence of video data (204; see figure 2A) during a first mode of operation (“video mode”), the sequence of video data captured at a first resolution (“broadcast resolution of about 720x480 pixels”);

- entering into a second mode of operation (“still mode”), the second mode of operation being at a second resolution (“the video ... correspond to a low quality video broadcast standard ... the still image are typically high resolution and quality”), the second resolution being greater than the first resolution (see column 7, lines 9 – 15);

- a memory (114; see figure 1) for storing data captured at the second resolution (210 and 212; see figure 2A and column 4, lines 54 – 67).

While Monti discloses, as stated in column 5 (lines 35 – 41), that the system automatically switches between the first video data capture mode and the second still image data

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capture mode, Monti does not disclose a user interface for entering in the second mode of operation.

On the other hand, Hori also discloses a system for capturing and embedding high-resolution still images in a sequence of video data. More specifically, Hori teaches, as shown in figure 1 and as stated in column 4 (line 44) – column 5 (line 1 – 9), that while a moving image is being record in the moving image mode if an instruction is received from the still image recording switch 10, still image data is recorded wherein after the still image data is recorded the moving image mode continues to record moving images again. In other words, a user of the system (“digital VTR”) is provided with a switch (10) for toggling between capturing video frames (“moving image”) and capturing a still image while in the digital VTR is in video mode (moving image mode”).

As stated in column 6 (lines 30 – 59) of Hori, at the time the invention was made, it would have been obvious to one with ordinary skill in the art to have included a user interface a user interface for entering in the second mode of operation, as taught by Hori, in the system for capturing and embedding high-resolution still images in a sequence of video data, disclosed, by Monti, for the advantage providing a high quality still image data that can be used in printing while reducing the amount of wasted storage space in a recording medium.

18. As for **Claims 2 and 19**, Monti discloses, as stated in column 4 (lines 37 – 52), wherein the second mode of operation (“still mode”) captures data corresponding to still image data.

19. As for **Claims 3 and 20**, Monti discloses, as shown in figure 2C and as stated in column 6 (line 65) – column 7 (line 8), embedding the still image data (234) between frames of video data (232).

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20. As for **Claims 4 and 21**, Monti discloses, as stated in columns 5 (lines 12 – 15) and 7 (lines 9 – 15), wherein the video data has a resolution of at least 720 pixels by 480 pixels and also discloses that the still image data is over higher resolution and higher quality than the video data; hence, the still image data has a resolution of at least 640 pixels by 480 pixels.

21. As for **Claims 5 and 22**, Hori discloses, as shown in figure 1 and as stated in column 4 (line 44) – column 5 (line 1 – 9), wherein the user interface (switch 10) allows toggling between the moving image mode and the still image mode. Hori further teaches, as stated in column 6 (lines 30 – 39), that the still images are always recorded in a low compression mode while the moving images may be recorded in a high compression mode, hence, the user interface allows toggling between the first resolution (moving images) and the second resolution (still images).

22. As for **Claims 6 and 23**, Hori discloses, as shown in figure 1, wherein the toggling between the first resolution (moving images) and the second resolution (still image) occurs using a single control on the user interface (still image recording switch 10).

23. As for **Claim 7**, Monti discloses, as shown in figure 2B and as stated in column 5 (line 66) – column 6 (line 1 – 11), dividing the sequence of video data captured during the first mode of operation into video frames (220); dividing the data generated at the second resolution into still frames (224); and sequentially alternating the video frames and the still frames (see figures 2B and 2C).

24. As for **Claim 8**, Monti discloses, as shown in figure 2D and as stated in column 7 (lines 25 – 39), wherein the video frames and the still frames alternate non-sequentially (“two successive still images are acquired”).

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25. As for **Claims 14 and 29**, While Monti discloses, as stated in column 5 (lines 35 – 41), that the system automatically switches between the first video data capture mode and the second still image data capture mode, Monti does not disclose a user interface for entering in the second mode of operation, wherein the user interface allows toggling between the first resolution and the second resolution occurs using a single control on the user interface.

On the other hand, Hori also discloses a system for capturing and embedding high-resolution still images in a sequence of video data. More specifically, Hori teaches, as shown in figure 1 and as stated in column 4 (line 44) – column 5 (line 1 – 9), that while a moving image is being record in the moving image mode if an instruction is received from the still image recording switch 10, still image data is recorded wherein after the still image data is recorded the moving image mode continues to record moving images again. In other words, a user of the system (“digital VTR”) is provided with a single switch (10) for toggling between capturing video frames (“moving image”) and capturing a still image while in the digital VTR is in video mode (moving image mode”). Hence, Hori teaches wherein the toggling between the first resolution (moving images) and the second resolution (still image) occurs using a single control on the user interface (still image recording switch 10).

As stated in column 6 (lines 30 – 59) of Hori, at the time the invention was made, it would have been obvious to one with ordinary skill in the art to have included a user interface a user interface for entering in the second mode of operation, as taught by Hori, in the system for capturing and embedding high-resolution still images in a sequence of video data, disclosed, by Monti, for the advantage providing a high quality still image data that can be used in printing while reducing the amount of wasted storage space in a recording medium.

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26. **Claims 17 and 32** are rejected under 35 U.S.C. 103(a) as being unpatentable over Monti.

27. As for **Claims 17 and 32**, while Monti discloses entering into a second mode of operation (“still mode”), the second mode of operation being at a second resolution (“the video ... correspond to a low quality video broadcast standard ... the still image are typically high resolution and quality”), the second resolution being greater than the first resolution (see column 7, lines 9 – 15); capturing data at the second resolution (210; see figure 2A); and storing the data captured at the second resolution (212; see figure 2A), Monti does not disclose transferring stored high resolution high quality still image data to a printing device and using the stored high resolution high quality still image data to render a photograph.

However, Official Notice (MPEP § 2144.03) is taken that both the concepts and advantages of transferring stored high resolution high quality still image data to a printing device and using the stored high resolution high quality still image data to render a photograph are well known and expected in the art. At the time the invention was made, it would have been obvious to one with ordinary skill in the art to have transferring stored high resolution high quality still image data to a printing device and using the stored high resolution high quality still image data to render a photograph for the advantage producing a photographic album.

#### *Cited Prior Art*

28. The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure because each provides a digital camera system for capturing and embedding high-resolution still images in a sequence of video data wherein a single switch on a user interface of

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the digital image is provided for toggling capturing high resolution still images during low resolution video image capture.

### *Conclusion*


Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Justin P Misleh whose telephone number is 571.272.7313. The Examiner can normally be reached on Monday through Thursday from 7:30 AM to 5:00 PM and on alternating Fridays from 8:00 AM to 4:30 PM.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Wendy R Garber can be reached on 571.272.7308. The fax phone number for the organization where this application or proceeding is assigned is 703.872.9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JPM

May 14, 2005

  
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